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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,332	10/31/2003	David H. Quimby	2761.06US02	9677

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EXAMINER	
NGUYEN, CAO H	

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
08/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/698,332	QUIMBY, DAVID H.	
	Examiner	Art Unit	
	Cao (Kevin) Nguyen	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-20 are rejected on the ground of nonstatutory double patenting over claims 1-13 of U. S. Patent No. 7,171,629 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: a plurality of hyperlinks found within the desired web page that provides a plurality of URLs, a presentation/rendition text file within the desired web page that provides a plurality of URLs, a meta tag within the desired web page that provides a plurality of URLs; and a performer, wherein said performer displays said web slide show presentation in order of the plurality of URLs provided by the extracted web page details. Furthermore, there is no apparent

reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See also MPEP § 804.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 7, 12 and 16 are not tangible. The preamble of independent claim 1, recites " A auto-composing website access system comprising ", which is directed to software, per se, lacking any hardware to enable any functionality to be realized. The claimed features and elements of independent claims 1, 7, 12 and 16 do not include hardware components or features that are necessarily implemented in hardware. Therefore, the claimed features of claims 1, 7, 12 and 16 are actually a software, or at best, directed to an arrangement of software, and software claimed by itself, without being executed or implemented on a computer medium, is intangible.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig (US Patent No. 6,654,785 B1) in view of King et al. (US Patent No. 6,904,450).

Regarding claim 1 Craig discloses an auto-composing web site access system, comprising; a composer, wherein said composer composes a web slide show presentation through automatic extraction of web page details from a desired web page, wherein said web page details include one or more of the following: a plurality of hyperlinks found within the desired web page that provides a plurality of URLs, a presentation/rendition text file within the desired web page that provides a plurality of URLs, a meta tag within the desired web page that provides a plurality of URLs [..The synchronization application includes a code segment to direct each of the student applets to retrieve and display the presentation slides located at the URLs designated by the instructor and displayed via the Web browser. The display is synchronized in that the same presentation URL is displayed at the instructor workstation and each of the plurality of student workstations; see abstract and figure 2]. However, Craig fails to explicitly teach a performer, wherein said performer displays said web slide show presentation in order of the plurality of URLs provided by the extracted web page details.

King discloses a performer, wherein said performer displays said web slide show presentation in order of the plurality of URLs provided by the extracted web page details; see col. 4, lines 1-25]. It would have been obvious to one of an ordinary skill in the art, having the teachings of Craig and King before him at the time the invention was made, to modify the system synchronized presentation slide of Craig to include the URLs web-browsing capabilities, as taught by King. One would have been motivated to make such a combination in order to provide

an automatically customized the desired webpage that provides a plurality URL on slideshow that display on web browser.

Regarding claims 2 and 8, King discloses wherein said presentation/rendition text file is found within the root directory of a web site containing said desired web page (see col. 6, lines 4-20).

Regarding claims 3 and 9, King discloses wherein said meta tag or said text file includes display parameters defining presentation of each of said plurality of URLs (see col. 8, lines 20-42).

Regarding claims 4 and 10, King discloses wherein said performer provides a control panel, wherein said control panel controls the manner of presentation of each of said plurality of URLs (see col. 7, lines 37-51).

Regarding claims 5 and 11, Craig discloses wherein said control panel is presented in the foreground or in the background of the presentation (see figure 2).

Regarding claim 6, Craig discloses wherein said system is invocable via hyperlink to a web site wherein said system is maintained as an active server page (see col. 7, lines 41-67).

Claim 7 differs from claim 1 in that "automatically extracting a plurality of hyperlinks from said desired web page, wherein said plurality of hyperlinks provide said URLs; automatically extracting a presentation/rendition text file from said desired web page, wherein the text file provides said URLs; and automatically extracting a meta tag from the desired web page, wherein said meta tag provides said URLs; and automatically displaying said presentation, wherein said presentation is presented in order of the created list of URLs" as recited in King; (see col. 9, lines 24-62 and figures 4-5.) It would have been obvious to one of an ordinary skill in

the art, having the teachings of Craig and King before him at the time the invention was made, to modify the system synchronized presentation slide of Craig to include the URLs web-browsing capabilities, as taught by King. One would have been motivated to make such a combination in order to provide an automatically customized the desired webpage that provides a plurality URL on slideshow that display on web browser.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig and King as applied to claims 1-11 above, and further in view of Straub et al. (US Patent No. 6,091,411).

Regarding claims 12 and 16, Craig discloses composer to create a presentation wherein said presentation comprises a list of a plurality (see figures 2-5); and King discloses a performer to automatically display the created presentation in a slide show (see col. 13, lines 1-15). However, Craig and King fails to explicitly teach a screen saver system for a computer display monitor, comprising an activator configured as a screen saver file, wherein said activator.

Straub discloses a screen saver system for a computer display monitor, comprising an activator configured as a screen saver file, wherein said activator (see col. 15, lines 46-67). It

would have been obvious to one of an ordinary skill in the art, having the teachings of Craig, King and Straub before him at the time the invention was made, to modify the system synchronized presentation slide of Craig to include the URLs web-browsing capabilities of King and dynamically updating themes, as taught by Straub. One would have been motivated to make such a combination in order to provide an automatically customized the desired webpage that provides a plurality URL on slideshow that display on web browser as a screen saver.

Regarding claims 13 and 18, Craig discloses wherein said performer provides a control panel (see figures 1-2).

Regarding claims 14 and 19, King discloses wherein said control panel enables the pausing and stopping of said presentation (see figure 3).

Regarding claims 15 and 20, Craig discloses wherein said control panel enables a user change to a desired sequence or a user change to a display duration (see figures 2A-3).

Regarding claim 17, Straub discloses The method of claim 16, further comprising the steps of: determining a display sequence of said list of URLs and determining a duration of display for said list of URLs (see col. 15, lines 6-67). One would have been motivated to make such a combination in order to provide an automatically customized the desired webpage that provides a plurality URL on slideshow that display on web browser as a screen saver.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

07/28/07